

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DEVENDER SINGH, JAGJIT SINGH, BALJINDER SINGH,  
PUMA SINGH, DULLA SINGH, PRABHJIT SINGH,  
MOHINDER SINGH, JARNAIL SINGH, JOGA SINGH,  
KARNAIL SINGH, KUNDAN LAL, AMARJIT SINGH

Plaintiffs,

AFFIRMATION

-against-

17 CV 1387 BMC

SUNN ENTERPRISE GROUP, LLC.;  
BOGDAN MARKOVSKI;

Defendant

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JONATHAN SILVER, an attorney duly licensed to  
practice law in the Courts of the State of New York, hereby affirms  
under the penalties of perjury:

1. I am the attorney for the plaintiff in this action and I  
am familiar with the facts and circumstances set forth herein.
2. I submit this Affirmation in support of this application  
for a default judgment to be entered in favor of each of the named  
plaintiffs against both named defendants. The Clerk of the Court has  
entered Certificates of Default dated May 2, 2017 and June 9, 2017.  
Copies are attached as Exhibit A.

3. As stated by each plaintiff in his respective affidavit provided herein, each plaintiff worked at construction sites for the defendants but none of them were paid. Each of the plaintiffs are making their separate claims for a money judgment against the defendants as detailed in their affidavits.

4. The complaint filed in this action has computations sheets attached as Exhibits indicating the dates each of the plaintiffs worked for defendants, the hours on each of those dates each plaintiff worked.

5. The affidavits from each of the named plaintiffs indicate the rate of pay each plaintiff was to receive based on an 8 hour work day. The affidavits confirm which days and how many hours on each of those days the plaintiffs worked.

6. In reviewing the affidavits it appears that there was a error in computing the sum due plaintiff's for overtime wage premium and what additional sum is due plaintiff's representing statutory penalties of liquidated damages equal to 100% of the sum due for that overtime but unpaid. Paragraphs 7-9 contain those errors.

7. To provide accurate information, a series of charts has been prepared for those plaintiffs who should have been paid overtime. Those charts are attached as Exhibit B. The charts indicate

the number of hours in any week( the work week starting on Sunday) for those plaintiffs who worked more than 40 hours during any week, the amount due as overtime premium for those overtime hours, what additional sum due those plaintiffs for liquidated damages for that unpaid overtime premium, a resulting total.

8. The accurate amount due each plaintiff for their work is as stated in paragraph 6 of their respective affidavits.

9. Any plaintiff who worked overtime is also due the additional sum stated in their overtime/liquidated chart as stated in Exhibit B.

10. As to the plaintiffs, each is due the following sum:

Devender Singh for the 53.5 work days is due the sum of \$16,050.00. (\$300.00 per day x 53.5 days) plus for the overtime premium wage unpaid and liquidated damages he is due the sum of \$1,500.00 making a total due him of \$17,550.00.

Jagjit Singh for the 53.5 work days is due the sum of \$16,050.00. (\$300.00 per day x 53.5 days) plus for the overtime premium wage unpaid and liquidated damages he is due the sum of \$1,500.00 making a total due him of \$17,550.00.

Baljinder Singh for the 53.5 work days is due the sum of \$16,050.00. (\$300.00 per day x 53.5 days) plus for the

overtime premium wage unpaid and liquidated damages he is due the sum of \$1,500.00 making a total due him of \$17,550.00.

Puma Singh for the 53.5 work days is due the sum of \$16,050.00 (\$300.00 per day x 53.5 days) plus for the overtime premium wage unpaid and liquidated damages he is due the sum of \$1,500.00 making a total due him of \$17,550.00.

Dulla Singh for the 17 work days is due the sum of \$4,250.00 (\$250.00 per day x 17 days).

Prabhjit Singh for 52 work days is due the sum of \$15,600.00 (\$300.00 per day x 52 days) plus for the overtime premium wage unpaid and liquidated damages he is due the sum of \$1,650.00 making a total due him of \$17,250.00.

Mohinder Singh for the 15 work days is due the sum of \$3,000.00 (\$200.00 per day x 15 days)

Jarnail Singh for the 10 work days is due the sum of \$2,000.00 (\$200.00 per day x 10 days)

Joga Singh for the 46 work days I am due the sum of \$9,200.00 (\$200.00 per day x 46 days)

Karnail Singh for the 17 work days is due the sum of \$5,100.00 (\$300.00 per day x 17 days)

Kundan Lal for the 22 work days is due the sum of \$6,600.00 (\$300.00 per day x 22 days)

Amarjit Singh for the 18 work days is due the sum of \$3,600.00 (\$200.00 per day x 18 days)

11. Those sums as computed and due each of the plaintiffs is set forth in the proposed default judgment which plaintiff submits and is attached as Exhibit C.

12. Plaintiff also submits a Memorandum of Law in support of this motion.

13. As to a determination of attorney's fees due the undersigned, it is requested that the Court grant leave for the undersigned to submit an affirmation of legal services to have the Court make a determination of what attorney's fees is due the undersigned from the defendants. Each plaintiff has executed a retainer agreement (in form as attached as Exhibit D) which provided that the undersigned would receive a sum equal to one third of any sum recovered for the plaintiffs and would also seek an award of attorney's fees to be paid by defendants. The retainer provides that any settlement and the distribution of any sum collected be subject to Court approval. As there is no settlement nor has there been any funds collected, it is requested that when any funds are collected counsel then make application for distribution of such funds among the plaintiff's and plaintiff's counsel and at that time also make

application for an award of attorney's fees due from defendants.

14. No previous application for this relief has been made.

WHEREFORE, plaintiffs pray for the relief requested in this motion together with such other and further relief as is just and proper.

Dated: Kew Gardens, New York  
July 28, 2017



JONATHAN SILVER ESQ(7924)